

15 MAY 2003

#7



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

PERKINS COIE LLP  
P.O. BOX 2168  
MENLO PARK CA 94026

In re Application of	:	
Roberto Crea et al	:	DECISION ON
Application No.: 09/743,691	:	
PCT No.: PCT/US99/16549	:	RENEWED PETITION
Int. Filing Date: 22 July 1999	:	
Priority Date: 23 July 1998	:	UNDER 37 CFR 1.181
Attorney's Docket No.: 2740-0001.10	:	
For: WATER-SOLUBLE EXTRACT	:	
FROM OLIVES	:	

This decision is responsive to applicant's "RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181 AND REQUEST FOR RECONSIDERATION" filed 25 November 2002.

**BACKGROUND**

In a decision from this Office on 20 September 2002, the petition filed on 19 July 2002 was dismissed. The decision stated that petitioner had not met the requirements under MPEP section 711.03(c) to establish non-receipt of an Office action.

On 25 November 2002, applicants filed a renewed petition, accompanied by a photocopy of the docket report for April 9, 2001 showing the replies docketed for a date of one month from the mail date of the non-received Office action, and a copy of the log book recording all mail received and docketed during the time period where the non-received Office action would have been entered had it been received.

**DISCUSSION**

A review of the April 9, 2001 docket report showing all replies docketed for a date of one month from the March 9, 2001 mail date of the Notification and the copy of the log book including all mail received and docketed from March 9, 2001 through April 9, 2001 show that the Notification was not received by applicants' representative. Accordingly, this showing overcomes the presumption that applicants did receive the Notification, and withdrawal of abandonment of the above application is appropriate.

Applicants have established *prima facie* evidence that they did not receive the Notification of Missing Requirements mailed on 09 March 2001.

**CONCLUSION**

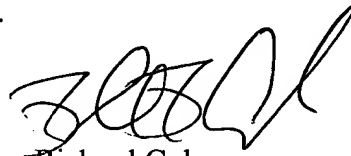
The petition under 37 CFR 1.181 is **GRANTED**.

The NOTIFICATION OF ABANDONMENT, mailed 30 May 2002 has been **VACATED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for the re-mailing of the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) previously mailed on 09 March 2001, and setting a new two-month extendable period for reply to the communication.



Rafael Bacares  
PCT Legal Examiner  
Work (703) 308-6312  
Fax (703) 308-6459



Richard Cole  
PCT Legal Examiner  
PCT Legal Affairs